

**REMARKS**

Claims 43-44, 54-49, 61-68, and 88-91 are pending. Claims 49, 60, and 70-87 have been cancelled without prejudice or disclaimer. Claims 1-42, 45-58, 50-53, and 69 were previously cancelled without prejudice or disclaimer. Claims 43, 54, and 61 have been amended. Claims 88-91 have been added. No new matter has been added. Support for the claim amendments and new claims can be found in at least paragraphs [0012]-[0014] and FIG. 3 of the application.

**Claims 43-44 and 61**

The Office has rejected claims 43-44, 49, 60-61, 70-77, 79-81, and 84-87, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,006,833 (“Contractor”) in view of U.S. Patent Application Publication No. 2002/0102968 (“Arend”). Claims 49, 60, 70-77, 79-81, and 84-87 have been cancelled without prejudice or disclaimer, rendering their rejections moot. Applicants respectfully traverse the remaining rejections.

**Claims 43-44**

The cited portions of Contractor and Arend do not disclose or suggest the specific combination of claim 43. For example, the cited portions of Contractor and Arend do not disclose or suggest determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 43.

Contractor describes location-based forwarding of communications. When a calling party places a phone call to a called party’s home telephone number, a trigger on the called party’s home telephone number causes a service control point (SCP) to determine a location of the called party. The phone call is then forwarded to a different telephone number that is near the called party’s determined location (e.g., a bank of public pay phones near the called party, a doctor’s office when the called party is visiting the doctor, or an office phone when the called party is in the office). *See* Contractor. col. 9, l. 12 – col. 10, l. 6. The called party’s location can be provided to the SCP three ways: the called party may carry a location tracking device that

communicates with the SCP (*See* Contractor, FIGS. 3-4), the called party may carry a global positioning system (GPS) transceiver that updates the SCP with its location (*See* Contractor, FIG. 5), or the called party may carry a location tracking device that is detectable when the device comes within a predetermined range of a receiver device inside or near a telephone (*See* Contractor, FIG. 6). Contractor describes determining location based on location tracking devices and GPS transceivers. The cited portions of Contractor do not disclose or suggest determining proximity based on whether a mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 43.

Arend describes a system to encourage hands-free telephone operation in a vehicle. A cradle includes a sensor for detecting the presence of a wireless handset. The sensor is a mechanical switch that detects the insertion of a wireless handset into the cradle, a proximity sensor, or an electrical sensor that detects electrical power being delivered to the wireless handset. *See* Arend, [0029], FIG. 4. Arend describes detection based on mechanical insertion, proximity, or electrical power transfer. The cited portions of Arend do not disclose or suggest detection based on whether a mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 43.

Therefore, the cited portions of Contractor and Arend, individually or in combination, fail to disclose or suggest at least one element of claim 43. Hence, claim 43 is allowable. Claim 44 is allowable, at least by virtue of being dependent from an allowable claim.

#### Claim 61

The cited portions of Contractor and Arend do not disclose or suggest the specific combination of claim 61. For example, the cited portions of Contractor and Arend do not disclose or suggest determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61.

Contractor describes location-based forwarding of communications. When a calling party places a phone call to a called party's home telephone number, a trigger on the called

party's home telephone number causes a service control point (SCP) to determine a location of the called party. The phone call is then forwarded to a different telephone number that is near the called party's determined location (e.g., a bank of public pay phones near the called party, a doctor's office when the called party is visiting the doctor, or an office phone when the called party is in the office). *See* Contractor, col. 9, l. 12 – col. 10, l. 6. The called party's location can be provided to the SCP three ways: the called party may carry a location tracking device that communicates with the SCP (*See* Contractor, FIGS. 3-4), the called party may carry a global positioning system (GPS) transceiver that updates the SCP with its location (*See* Contractor, FIG. 5), or the called party may carry a location tracking device that is detectable when the device comes within a predetermined range of a receiver device inside or near a telephone (*See* Contractor, FIG. 6). Contractor describes determining location based on location tracking devices and GPS transceivers. The cited portions of Contractor do not disclose or suggest determining proximity based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61.

Arend describes a system to encourage hands-free telephone operation in a vehicle. A cradle includes a sensor for detecting the presence of a wireless handset. The sensor is a mechanical switch that detects the insertion of a wireless handset into the cradle, a proximity sensor, or an electrical sensor that detects electrical power being delivered to the wireless handset. *See* Arend, [0029], FIG. 4. Arend describes detection based on mechanical insertion, proximity, or electrical power transfer. The cited portions of Arend do not disclose or suggest detection based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61.

Therefore, the cited portions of Contractor and Arend, individually or in combination, fail to disclose or suggest at least one element of claim 61. Hence, claim 61 is allowable.

#### **Claims 54-59 are Allowable**

The Office has rejected claims 54-59, under 35 U.S.C. § 103(a), as being unpatentable over Contractor and Arend in view of U.S. Patent No. 6,389,117 ("Gross"). Applicants respectfully traverse the rejections.

Claims 54-59 depend from claim 43. As explained above, the cited portions of Contractor and Arend do not disclose or suggest at least one element of claim 43. The cited portions of Gross do not disclose or suggest the elements of claim 43 not disclosed or suggested by the cited portions of Contractor and Arend. For example, the cited portions of Gross fail to disclose or suggest determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 43. Gross describes using a single telephone number to access multiple services, such as paging, voicemail, fax, e-mail, and video mail. *See* Gross, col. 16, ll. 16-65. The cited portions of Gross do not disclose or suggest determining proximity zone information based on whether a mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 43, from which claims 54-59 depend. Hence, claims 54-59 are allowable for at least this reason.

#### **Claims 62-63 and 65-67 are Allowable**

The Office has rejected claims 62-63 and 65-67, under 35 U.S.C. § 103(a), as being unpatentable over Contractor and Arend in view of U.S. Patent Application Publication No. 2006/0136546 (“Trioano”). Applicants respectfully traverse the rejections.

Claims 62-63 and 65-67 depend from claim 61. As explained above, the cited portions of Contractor and Arend do not disclose or suggest at least one element of claim 61. The cited portions of Trioano do not disclose or suggest the elements of claim 61 not disclosed or suggested by the cited portions of Contractor and Arend. For example, the cited portions of Trioano fail to disclose or suggest determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61. Trioano describes a mobile communication network that includes Simple Object Access Protocol (SOAP) messaging. *See* Trioano, [0065]. The cited portions of Trioano do not disclose or suggest determining proximity zone information based on whether a mobile telephone is in wireless communication with a particular wireless network

access point associated with a particular proximity zone, as in claim 61, from which claims 62-63 and 65-67 depend. Hence, claims 62-63 and 65-67 are allowable for at least this reason.

#### **Claims 64 and 68 are Allowable**

The Office has rejected claims 64, 68, and 78, under 35 U.S.C. § 103(a), as being unpatentable over Contractor and Arend in view of U.S. Patent Application Publication No. 2002/0165988 ("Khan"). Claim 78 has been cancelled without prejudice or disclaimer, rendering its rejection moot. Applicants respectfully traverse the remaining rejections.

Claims 64 and 68 depend from claim 61. As explained above, the cited portions of Contractor and Arend do not disclose or suggest at least one element of claim 61. The cited portions of Khan do not disclose or suggest the elements of claim 61 not disclosed or suggested by the cited portions of Contractor and Arend. For example, the cited portions of Khan fail to disclose or suggest determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61. Khan describes a user agent that fetches and renders web pages, where the user agent satisfies protocol requirements. *See* Khan, [0182]-[0183]. The cited portions of Khan do not disclose or suggest determining proximity zone information based on whether a mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone, as in claim 61, from which claims 64 and 68 depend. Hence, claims 64 and 68 are allowable for at least this reason.

#### **Claims 82-83**

Claims 82-83 have been cancelled without prejudice or disclaimer, rendering their rejections moot.

#### **New Claims 88-91**

New claim 88 includes, among other elements, determining proximity zone data of a subscriber based on information received from a mobile telephone associated with the subscriber, where the mobile telephone indicates proximity zone information based on whether

the mobile telephone is in wireless communication with a particular wireless network access point associated with a particular proximity zone. As explained above, the cited portions of the above-cited references do not disclose or suggest this element. Hence, claim 88 is allowable for at least this reason. Claims 89-91 depend from claim 88 and are allowable at least by virtue of being dependent from an allowable claim. Further, the dependent claims recite additional features not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest that the particular wireless network access points used to determine proximity zone information is an 802.11 wireless network access point, as in claim 90, or a Bluetooth access point, as in claim 91.

### **CONCLUSION**

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

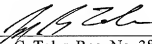
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

5-13-2010  
Date

  
\_\_\_\_\_  
Jeffrey G. Toler, Reg. No. 38,342  
TOLER LAW GROUP  
8500 Bluffstone Cove, Suite A201  
Austin, TX 78759  
Telephone: (512) 327-5515  
Facsimile: (512) 327-5575